

No. 24-3521

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**IN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

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**STATE OF KANSAS, ET AL.,**

*Plaintiffs-Appellees,*

v.

**UNITED STATES OF AMERICA, ET AL.,**

*Defendants-Appellants.*

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On Appeal from the U.S. District Court of North Dakota - Western  
Division (1:24-cv-00150-DMT-CRH)

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**MOTION FOR LEAVE TO FILE BRIEF OF THE AMERICAN  
CANCER SOCIETY CANCER ACTION NETWORK, AMERICAN  
LUNG ASSOCIATION, EPILEPSY FOUNDATION OF AMERICA,  
LEUKEMIA & LYMPHOMA SOCIETY, AND MUSCULAR  
DYSTROPHY ASSOCIATION AS *AMICI CURIAE* IN SUPPORT  
OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION  
FOR STAY OF THE FINAL RULE AND PRELIMINARY  
INJUNCTION**

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**MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE***

Pursuant to Federal Rule of Appellate Procedure 29, Proposed *Amici* move for leave to file the attached brief in support of Defendants-Appellants' Opposition to Plaintiffs' Motion for Stay of the Final Rule and Preliminary Injunction.

Proposed *Amici* include organizations committed to promoting the care and wellbeing of patients with cancer and other illnesses.

The American Cancer Society Cancer Action Network (ACS CAN) advocates for evidence-based public policies to reduce the cancer burden for everyone. ACS CAN supported the rule at issue because access to comprehensive, affordable health insurance means that serious diseases like cancer can be detected and treated earlier but also often results in better patient outcomes and less costs to the individual and the larger health care system.

The American Lung Association is the nation's oldest voluntary health organization, representing millions of people with or at risk for lung disease in the United States. The Lung Association strongly supports universal access to quality and affordable healthcare.

The Epilepsy Foundation of America is the leading national voluntary health organization that speaks on behalf of the nearly 3.4 million Americans living with epilepsy and seizures. The mission of the Foundation is to improve the lives of people affected by epilepsy through education, advocacy, research, and connection.

The Muscular Dystrophy Association (MDA) is the #1 voluntary health organization in the United States for people living with muscular dystrophy, ALS, and over 300 other neuromuscular conditions. For 75 years, MDA has led the way in accelerating research, advancing care, and advocating support and inclusion of families living with neuromuscular disease. MDA's mission is to empower the people we serve to live longer, more independent lives.

The Leukemia & Lymphoma Society (“LLS”) is the world’s largest voluntary health agency dedicated to fighting blood cancer and ensuring that the more than 1.3 million blood cancer patients and survivors in the United States have access to the care they need. LLS’s mission is to cure leukemia, lymphoma, Hodgkin’s disease, and myeloma, and to improve the quality of life of affected patients and their families.

Proposed *Amici* have a strong interest in promoting public health, and helping explain how the rule challenged here, Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program (the “Final Rule”)\*, is consistent with Congress’ intent in passing the Affordable Care Act (ACA) because it will improve patient outcomes and public health and drive down uncompensated care costs by further reducing the number of uninsured individuals. Moreover, by upholding Congress’s overarching purpose in the ACA by providing access to quality, affordable health coverage to DACA recipients, the Final Rule will help ensure that the more than 500,000 “dreamers” have access to the medical care they need to lead healthy and productive, tax-paying lives. The attached brief reflects Proposed *Amici*’s extensive knowledge of the benefits that implementing the Final Rule will have. Accordingly, the proposed brief will assist the Court because it sets forth information demonstrating that the Final Rule will, in pertinent part, improve patient outcomes and drive down

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\* 89 Fed. Reg. 39392 (May 8, 2024) (to be codified at 42 C.F.R. pts. 435, 457, 600).

uncompensated care costs by further reducing the number of uninsured individuals.

Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), Proposed *Amici* state that no counsel for any party authored the proposed brief in whole or in part, and no person or entity, other than Proposed *Amici* and their counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

s/s Joseph Carlo  
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## **CERTIFICATE OF COMPLIANCE**

This document complies with the type-volume limit of Fed. R. App. P. 29(a)(5) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 598 words according to the word count function of Microsoft Word 365.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 365 in 14-point Century Schoolbook font.

/s/ Joseph Carlo

Date: January 24, 2025

## CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2025, a true and accurate copy of the foregoing motion was electronically filed with the Court using the CM/ECF system. Service on counsel for all parties will be accomplished through the Court's electronic filing system.

/s/ Joseph Carlo

Date: January 24, 2025